

Guidance for DVR Staff

Provision of Services to Non-Wisconsin Residents

November 9, 2004

The Code of Federal Regulations requires:

The State plan must assure that the State unit will not impose, as part of determining eligibility under this section, a duration of residence requirement that excludes from services any applicant who is present in the State.

Please note - any individual, regardless of whether the individual is currently living in Wisconsin or not, must be provided with an application if one is requested. If the application is completed, a case file must be opened.

The following information must be provided to all individuals who apply for services if they do not currently reside in Wisconsin:

- ✓ **For services which require comparable benefit consideration the consumer must first demonstrate that the vocational rehabilitation state program of the state in which the consumer resides will not provide the service before Wisconsin DVR can.**
- ✓ Most often, an individual is better served by applying for vocational rehabilitation services in the state where they reside.
- ✓ If the individual applies for services in Wisconsin, it will be the individual's responsibility to be available in Wisconsin to meet with the VR counselor and to participate in any evaluation necessary to complete the eligibility determination and functional assessment for order of selection. DVR will not assume any responsibility for secondary services (transportation, maintenance, childcare, or attendant care) for the person to come to Wisconsin for these purposes.
- ✓ If the individual used to work in Wisconsin and was injured on the job and now has a workers compensation case with the Wisconsin employer, there is no advantage to the individual to apply for vocational rehabilitation services in Wisconsin. Some attorneys are more comfortable working with Wisconsin DVR, but Wisconsin DVR cannot provide any services or leverage regarding the claim that are not available from the applicant's state of residence.

- ✓ If the individual is found eligible and an IPE is developed, the individual will need to travel to Wisconsin to meet with DVR, to complete the IPE and plan for services, and perhaps to receive some services under the IPE. DVR will not assume responsibility for any secondary services (transportation, maintenance, attendant care, or childcare) necessitated by the consumer's decision to receive services in Wisconsin.
- ✓ When developing an IPE, if a non-resident student can receive appropriate training at a lower cost in their state of residence, that will be considered the lowest cost alternative for the purpose of calculating maximum DVR contribution.
- ✓ The State of Wisconsin gives preference to Wisconsin businesses and service providers. This may require the consumer to travel to Wisconsin at his/her own expense to participate in services under the IPE.
- ✓ There may be delays created by not having local access to DVR staff and the time required to mail materials back and forth out of state which could be avoided by applying in the consumer's state of residence.

There are times when it may be an advantage to apply for services in Wisconsin despite not currently residing in the state:

- ✓ When the individual plans to move to Wisconsin permanently in the near future
- ✓ When the individual lives in Wisconsin part of the year
- ✓ When the individual plans to pursue an employment outcome in Wisconsin despite residence in a bordering state

When an IPE is developed and approved in Wisconsin but the consumer moves out of state, it may be advantageous for the individual to continue to receive services from Wisconsin DVR:

- ✓ If the individual plans to return to Wisconsin
- ✓ If the plan of services would be jeopardized if the consumer applied for services in the state of residence (through order of selection delays or unique state policies)

On the other hand, there may be times when, even though the IPE was developed it may be advantageous for the individual to re-apply for services in the current state of residence

- ✓ If the consumer desires frequent communication with DVR
- ✓ If the consumer requires rehabilitation counseling
- ✓ If the plan requires extensive coordination of services by DVR

DVR staff will make every reasonable effort to ensure that non-Wisconsin residents who are referred to Wisconsin DVR or who apply in Wisconsin for DVR services are fully informed of the advantages and disadvantages of applying for services in Wisconsin so an informed decision can be made of whether to apply in Wisconsin or in the state of residence.

Questions about this guidance piece should be directed to Mike Gilbert
mike.gilbert@dwd.state.wi.us or to Manuel Lugo
manuel.lugo@dwd.state.wi.us.